

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KEON ROSE,

Petitioner,

vs.

DONALD HULICK,

Respondent.

No. 07-CV-153-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is Petitioner's Notice of Appeal and Request to Obtain a Certificate of Appealability. (Doc. 24.) Petitioner's notice in its entirety states: "Notice is hereby given that Keon Rose, Petitioner above named, hereby appeals to the United States Court of Appeals for the Seventh Circuit from the Final Judgment from the Order describing it entered in this action on the 16th day of April 2008." (Doc. 24.) The Court did not enter any orders on April 16, 2008. However, on March 17, 2008 the Court entered an order granting Respondent's motion to dismiss (Doc. 20) and dismissing with prejudice Petitioner's writ of habeas corpus filed pursuant to **28 U.S.C. § 2254** as time-barred (Doc. 1). On that same day the Court entered judgment in favor of Respondent and against Petitioner. (Doc. 21.) Subsequently, Petitioner filed a motion for reconsideration of the order dismissing the case. (Doc. 22.) On April 14, 2008 the Court denied this motion for lack of jurisdiction. (Doc. 23.) For purposes of this motion, the Court will assume that

Petitioner wishes to appeal each of these orders.

Pursuant to **28 U.S.C. § 2253** the Petitioner may not proceed on appeal without a certificate of appealability. **Section 2253(c)(2)** provides that a certificate of appealability may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” Further, **§ 2253(c)(3)** provides that the “certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).” The Petitioner has neither specified the issues which he seeks to appeal nor has he even asserted in his motion for a certificate of appealability that he has been denied a constitutional right. Therefore, Petitioner has failed to satisfy the requirements of **28 U.S.C. § 2253**. Accordingly, the Court **DENIES** Petitioner’s motion for a certificate of appealability.

(Doc. 25.)

IT IS SO ORDERED.

Signed this 29th day of April, 2008.

/s/ David R. Herndon

Chief Judge
United States District Court